

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee.

v.

No. 97-6707

CARL TATE, a/k/a Carl V. Tate,
Defendant-Appellant.

UNITED STATES OF AMERICA,
Plaintiff-Appellee.

v.

No. 97-6708

CARL TATE, a/k/a Carl V. Tate,
Defendant-Appellant.

Appeals from the United States District Court
for the Northern District of West Virginia, at Clarksburg.
Frederick P. Stamp, Jr., Chief District Judge;
William M. Kidd, Senior District Judge.
(CR-92-5, CA-97-67, CR-92-180, CA-97-73)

Submitted: July 28, 1998

Decided: August 13, 1998

Before WILKINS, HAMILTON, and LUTTIG, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

COUNSEL

Carl Tate, Appellant Pro Se. Thomas Oliver Mucklow, Assistant
United States Attorney, Martinsburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION

PER CURIAM:

In these consolidated appeals, Carl Tate appeals the district court's order denying relief on his motions filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998). Tate's convictions became final in 1994. On March 27, 1997, Tate filed his § 2255 motions. The district court denied relief, finding that these motions were filed outside the one-year limitation period imposed by § 2255. Pursuant to our recent decision in Brown v. Angelone, ___ F.3d ___, 1998 WL 389030 (4th Cir. July 14, 1998) (Nos. 96-7173, 96-7208), Tate had until April 23, 1997, to timely file his motions. Accordingly, because Tate's § 2255 motions are timely, we grant certificates of appealability on this issue, vacate the district court's order, and remand for consideration on the merits. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

VACATED AND REMANDED